

**National Human Rights Committee**

**The State of Qatar**

**Annual Report  
On  
Human Rights & Activities of the Committee  
For the year 2005 AD – 1426 AH**

**Annual Report of the National Human Rights**  
**Committee (of Qatar)**  
**During the year of 2005**

This is a report on the situation of Human Rights, activities and findings of the National Human Rights Committee of Qatar (Committee) during the year 2005. It is supported by proposals and recommendations that the Committee deems appropriate for the enhancement of Human Rights in the State of Qatar.

## ***In the Name of Allah Most Gracious Most Merciful***

***The almighty God has said: “Let there arise out of you a band of people Inviting to all that is good Enjoining what is right, and forbidding what is wrong: They are the ones to attain felicity”***

*Al-i-Imran 104*

***Prophet Mohammed (Peace be upon him) has said: “You have obligations towards Allah, towards yourself and towards your family”***

***Omer Bin Al Kattab, one of the greatest companions of Prophet Mohammed (Peace be upon him) has said: “Stick to the right and the right shall bring you to the grades of high people when the day of judgment calls”.***

***For the promotion of Human Rights, our deeds and words should match, and we should implement Human Rights as an integral part of our culture and behaviour.***

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## **Introduction**

The year 2005 has witnessed an evident growth in the enhancement of Human Rights. Enhancement of Human Rights in various forms however the focal point being the diffusion of human rights education. The Committee took on the role of educating the issues encompassing human rights, through publications issued by the Committee training sessions, debates, lectures, conferences etc.

The year of 2005 brought with it developments with regards to the protection of human rights from the State of Qatar itself. By way of various legislation and the Constitution being enacted. The permanent Constitution of the State of Qatar, was issued on 8 June 2005, which came into force on 9 June 2005 (second day of its publication in the Official Gazette). The enactment of Law No. 22 of 2005 which came into force on 25 July 2005 prohibiting the employment, training or participation of children in Camel Races. Additionally, a Qatari Refuge and Human Care House was established to shelter victims such as children, women and workers.

### **The Committee's efforts**

The Committee has successfully obtained membership of the Asian Pacific Forum (APF) for National Organizations; at its participation in the Tenth Annual meeting of the forum that was held in Ulaanbaatar, in Mongolia, during the period between 24-26 August 2005. This membership indicates the progress and recognition that the Committee is receiving in Qatar and also internationally.

## **Work Undertaken by the Committee**

The Committee had a role in the procedures that led to the release of most of the people that were detained after the incident of 19 March 2005 i.e. bombing of the theatre of Doha Players, after the lawful period of detention lapsed.

The Committee has also successfully solved, in coordination with the Labour Department and the Human Rights Department of the Ministry of Interior, many collective and individual labour disputes.

The Committee has also participated in the establishment of the administration of the Human Rights department within the Ministry of Interior.

The Committee prides itself in having always managed to maintain its independency, impartiality and credibility.

It cannot be denied that the Committee has seen a great deal of positive developments with regard to human rights in Qatar. However there are some concerns of the Committee that have still not been resolved and the Committee still seeks redress in. Some examples of the issues of concern are the following;

- The Qatari Nationality being withdrawn from around 5,000 Qatari nationals;
- Rights of Juvenile workers, especially those employed by contracting companies;
- The present system of Sponsorship and Traveling permissions, which is considered prejudicial to the right of work, the freedom to choose the place of employment, the freedom of movement not to be restricted and to freely move from one place of employment to another.
- The vast number of detainees, both women and men, placed in Deportation Detention, most of which are without legal justification. \

- Accusations by individuals who were detained by the State Security Department of cruel treatment at stations and other locations.
- Investigation before general prosecution is a time consuming and lengthy procedure and as such precautionary imprisonment is often resorted to, even in situations, which does not justify such.
- Delay in decisions in labour cases.
- Incidents of arbitrary inspection and detention undertaken by State Security following the criminal incident of 19 March 2005, constitutes a grave violation of Human Rights.
- Resort to the enactment of Law Number 17 in 2002 for the Protection of the Community is also an incident where Human Rights principles were violated.
- Over and above, most of the enactments have exempted the decisions from the supervision of the judiciary. Resort to administrative dismissal often took place. The exemption of an appeal before the judiciary is contradictory to the principles of Human Rights.
- The exclusions of the categories of workers contained in the Labour Law No. 4 (2004), to the very people who could be considered to need the protection the most.
- To prohibit discrimination against Women.
- To prohibit and prevent violence against Children and Women.
- To observe and monitor the rights of the Disabled.
- To observe and monitor the rights of the Elderly.
- To enhance the rights of Nationals, specifically the right to work and Equal Opportunities.

There have been a number of enactments, containing provisions that the Committee suggest be rectified due to their contradiction with Sharia Principles and International criteria set for Human Rights, such as the following enactments;

- Law No. 17 of 2003 for the Protection of the Community
- Law No. 3 of 2004 Against Terrorism
- Law No. 14 of 2004 Labour Law
- Enactment for the Regulation of Entry and Residence of Foreigners of 1963
- Law No. 21 of 1989 for the Regulation of Marriages of foreigners
- Law No. 3 of 1984 for Domicile and Exit Permits of foreigners
- Law No. 123 of 2004 for the Formation of Association.

The Committee is seeking, as one of its priorities, to enhance respect for basic rights and public freedoms. This is through investigation of the situations of detainees in deportation detention, seeking the release of detainees of State Security, affording protection to rights and freedoms, and placing a certain emphasize on workers such as house workers/maids. As such the Committee seeks for amendments to be made to the enactments. The Committee also encourages the State to join and be a party to many of the Conventions on Human Rights with particular regard to the following and specifically the first two;

- International Convention on Economic, Social and Cultural Rights,
- International Convention on Civil and Political rights,
- Convention on the Elimination of All Forms of Discrimination against Women,
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The Committee is also seeking to enhance and develop social rights such as education, health, residence, and provision of work in a way that would guarantee or enhance a dignified life.

This report is an attempt to explain the situation of Human Rights in the State during the year 2005, covering a wide range of rights and freedoms and taking into account the recommendations made by the Committee. This report aims to provide an impartial and objective analysis as far as possible of the human rights situation in the State of Qatar. This analysis and report is based on the complaints, information and visits that the Committee has received and made e.g.; deportation detention, central jail, juvenile houses, hospitals, labour camps, camel races, information and statistics delivered by official authorities. The Committee has also monitored publications of the media, abroad and in the State. In addition to reports of international and regional governmental and non-governmental organizations.

The report is divided into four main chapters; these chapters are as follows:

## **Chapter 1:**

### **Legal Developments:**

This chapter includes;

- The most prominent constitutional developments,
- The status of the State of Qatar towards joining International Conventions concerned with Human Rights,
- The most important Enactments that were issued during the 2005 and to what extent they were consistent with Human Rights standards and criteria,

- Judicial judgments concerned with Human Rights that were passed during the year 2005.

## **Chapter 2:**

### **The situations of Human Rights and Basic Freedoms in Qatar during the year 2005.**

This chapter states the situation of the most vital Rights and Freedoms in the State of Qatar during the year 2005; whether being basic rights or public freedoms, political, social or cultural rights. Additionally it emphasizes the importance in affording human rights and its protection to those who are most vulnerable in society such as women, children, labourers, disabled individuals and the elderly.

## **Chapter 3:**

### **Activities of the Committee:**

This chapter briefly states the activities of the Committee during the year 2005. It states the number of complaints that the Committee has received, the reports it has made, its recommendations, the various methods of investigations such as field visits, the progress and general follow-up of reports concerning human rights. It also includes the various ways in which the State of Qatar is promoting human rights by education using various publications and brochures. In addition to this, the exposure to human rights by conducting training sessions, debates, conferences that the Committee has either organized or participated in.

## **Chapter 4:**

### **Recommendations and Proposals:**

The Chapter states the recommendations and proposals made by the Committee for the promotion of Human Rights inside the State of Qatar, the removal of the causes of such violations and prevention of its future repetition. This is done through various means e.g. recommending draft enactments, implementing existing enactments, in order to protect individuals.

## **Chapter 1:**

### **Legal Developments**

**First**            **Joining International Conventions**

**Second**        **Constitutional Developments**

**Third**          **Legislation**

**Fourth**        **Judicial Decrees**

**Fifth**          **Decisions and Procedures**

## **First: Joining International Conventions on Human Rights:**

The State of Qatar is a signatory to several International Conventions concerned with Human Rights, such as;

- The International Convention against all forms of Racial Discrimination (22/7/1976);
- The International Convention on Combating and Punishment of Apartheid;
- The International Convention on the Rights of Children in (3/4/1995) and the two protocol's attached to it.
- The International Convention against Torture (11/1/2000).

The Committee urges the State of Qatar to become a signatory in the near future to the following International Conventions;

1. International Covenant on Civil and Political Rights
2. International Covenant on Economic, Social and Cultural Rights,

The above two International Conventions are regarded as forming the essence of human rights and have such high importance in human rights. There are now fifteen countries that are signatories to the above two International Conventions, the last one being Mauritania in February 2005. As such the Committee urges the State to become a member of these International Conventions.

The Committee would like to see the State of Qatar in the near future to be a member to the International Convention on the Elimination of All Forms of Discrimination against Women. To which, most of the Arabic countries have become members. The latest countries to join were the United Arab Emirates and Oman, totaling seventeen Arab countries becoming a signatory to Convention.

The Committee wants the State of Qatar to consider joining international conventions on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>1</sup>.

After the adoption of the Arab Charter on Human Rights in the summit held in Tunisia in May 2004, the Committee urges the State to join and be a party to the Charter because of its great importance.

The Committee seeks the amendment of national legislation in order to comply and be consistent with International Conventions relating to human rights especially as some states and authorities deal with these agreements as being inferior to national laws.

Article 68 of the permanent Qatari Constitution stipulates, “treaties and conventions shall be accessed by decrees, and delivered to the Advisory Council with attached explanations, then and after publication in the Official Gazette such a treaty or convention shall have the force of law”.

## **Second: Constitutional developments:**

The Constitution is the basis of the law in the State of Qatar and as such its provisions should be consistent with International Conventions on Human Rights. The Constitution of Qatar was ratified by the Emir of the State on 8 June 2004 and published in the Official Gazette on the same day and came into force on 9 June 2005.

The Constitution reflects the changes and developments that took place in the State of Qatar and the increase of democracy and as such the rule of law. The

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<sup>1</sup> The Convention of *Protection of the Rights of All Migrant Workers and Members of Their Families*<sup>1</sup>.

Constitution has incorporated, in chapter three, various types of rights and freedoms.

With reference to the implementation of the Constitution it is necessary not to restrict the rights and freedoms when trying to maintain the rights and freedoms are not abused. Additionally, in order to afford the protection of the rights and freedoms no decision or act should be excluded from the reach of the judiciary. If an act or decision is excluded from judicial review the Committee views it as a violation of the Constitution, the principles of legality and the supremacy of the rule of law.

### **Third: Legislation**

#### **1. Law Number 17 of the year 2002, for the Protection of the Community:**

Although Law No.17 (2002) for the Protection of the Community was not issued during last year, and does not therefore constitute a new legislative decree that took place in the year however its effects on human rights are still being seen in the community.

- The Law<sup>2</sup> is permanent and is not exceptional by being temporary.
- The Law<sup>3</sup> authorises law enforcers' to arrest and detain individuals for prolonged periods without adhering to the provisions of the Code of Criminal Procedure No. 23 (2004). This in itself is a restriction to the Rights and Freedoms (particularly personal freedom) embodied in the Constitution of Qatar. The Law<sup>4</sup> permits the Ministry of Interior to arrest and detain any individual for two weeks,

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<sup>2</sup> Law No. 17 (2002) for the Protection of the Community.

<sup>3</sup> ibid

<sup>4</sup> ibid

renewable in equal durations to six months. The period may then be extended for another six months, with the approval of the Council of Ministers. In cases relating to the State Security the period may be doubled.

Section 5<sup>5</sup> authorizes the Ministry of Interior the right to seal and close the place where a crime has taken place or is associated with a crime. An appeal against the closure can be made to the H.E Prime Minister and not to the Ministry of Interior.

## **2. Law No. 3 of 2004 to Combat Terrorism:**

- Section 1<sup>6</sup> widens the definition of what is categorized as Terrorism. It has expanded the ambit to include;
  - any felony provided for in the penal code, or
  - any other act committed by force, violence, threat, or terror with the intention of hindering the provisions of the Constitution, or the law, or violating public order, or endangering the public safety or public order, and where the act would or could result in injury to individuals, or terrorize, or jeopardize the lives, or freedoms or safety of the public, public health or damage the environment, national economy, institutions, public or private properties, or taking possession of the same, or restricting or impeding the proper functioning of public authorities.
- The Anti-Terrorism Law<sup>7</sup> is viewed, as all other anti terrorism laws, as restricting the civil rights of individuals and violating personal freedoms and privacy.

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<sup>5</sup> Section 5 of Law No. 17 of 2002 for the Protection of the Community.

<sup>6</sup> Of Law No.3 of 2004 Combat Terrorism.

<sup>7</sup> No.3 of 2004 to Combat Terrorism.

- Section 13<sup>8</sup> prescribes punitive measures that are against human rights principles and in particular the Freedom of Movement and Residence, after the sentence has been carried out.
- The Act<sup>9</sup> has departed from the principles laid down in the new Code of Criminal Procedure No. 23 of 2004, and has extended the period of precautionary detention. It permits precautionary detention for fifteen days, renewable for periods of equal duration, to a maximum of six months. The period thereafter can be extended by an Order of the competent Court up to an indefinite period.
- Section 19<sup>10</sup> has given the Attorney General or the advocate delegated by him the authority to restrict civil rights, such as the right to Freedom, Safety, Privacy, freedom of Communications, Correspondences, in violation to the general principles laid down in the Code of Criminal Procedure No. 23 for the year 2004.

***3: Law No. 12 of 2005 relates to situations and procedures of Appeal, with the exception of Criminal cases.***

- Section 5<sup>11</sup> prescribes that the appellant must deposit, to the treasury of the Court, the sum of 20,000 Qatari Riyals (QR) for the appeal to be heard by the Court of Appeal and the sum of 5,000 Qatari Riyals (QR) for the appeal to be heard by the Court of First Instance. This is a clear restriction to the right to the judiciary and the right of appeal, as such is unacceptable and a solution is needed to protect these rights.

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<sup>8</sup> ibid

<sup>9</sup> ibid

<sup>10</sup> ibid

<sup>11</sup> Law No. 12 of 2005 – Situations and Procedures of Appeal.

- Section 23<sup>12</sup> permits the sums that were deposited with the treasury of the Court, either in whole or in part, to be seized should the court decide to reject the right of appeal. This constitutes a restriction on the Right to the Judiciary and the Right of Appeal.
- Section 27 imposes a fixed fee of 5,000 QR in cases of appeal.

***4: Law No. 22 of 2005 prohibiting the recruitment, employment, training and participation of children in camel racing:***

This Law<sup>13</sup> constitutes drastic change towards total protection of Child Rights in the State of Qatar. The Legislation was issued and promulgated in the Official Gazette on July 25 2005 and comprises of six sections, the most important of which are the following:

- Implementation of International standards in determining the age of children and as such considering every individual under the age of eighteen as a child.
- Section 2<sup>14</sup> forbids the recruitment, employment, training and participation of children in camel races.
- The Law<sup>15</sup> provides that the Labour Department will have a quasi-judicial role in such matters by investigating and bringing to justice individuals who are in violation of this legislation.
- The Law<sup>16</sup> imposes a strict punishment in order to deter other such violators.
- The legislation was silent on the protection of the victims of child camel races, estimated to be in the hundreds, in order to rehabilitate the children and reintegrate

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<sup>12</sup> ibid

<sup>13</sup> Law No.22 (2005) on Children and Camel Races.

<sup>14</sup> ibid

<sup>15</sup> ibid

<sup>16</sup> ibid

them into society. Meanwhile the State of Qatar has come to an agreement with the Sudanese Government for the establishment of a shelter and a centre for the rehabilitation of such victims, whereby it will be funded by the State of Qatar.

**5: Law No. 38 of 2005 relating to Nationality:**

The Law<sup>17</sup> was published on 29 December 2005, which replaces the previous law which was enacted in 1961<sup>18</sup>. The Committee is undergoing a review of this legislation and its conformity with International standards.

**Fourth: Judicial Judgements:**

The Committee has observed the lengthy Court procedures and trials, particularly in Labour cases where the average case would take between six to twelve months. This is regrettably the case despite section 10 of the Labour Act 2004 which provides that labour cases should be conducted expeditiously (and also exempt from payment of litigation fees).

The Committee has also observed, in some case, the lengthy periods of investigation that the public prosecution takes. An investigation sometimes takes between six to twelve months and the precautionary detention was often resorted to, either by the public prosecution or investigation magistrates.

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<sup>17</sup> Law No. 38 (2005) relating to Nationality.

<sup>18</sup> Law No. 2 of 1961 relating to Nationality.

The following are statistics of the number and types of cases relating to Human Rights which took place during the 2005:

**1: Cases relating to the Right to life:**

The Charge	Cases	Outcome		
		pending	convictions	acquittals
Murder with intent	7	7	—	—
Manslaughter	3	2	1	
Threat to kill	3	—	2	1
Assault	14	2	11	(pardon)
Total	27	11	14	2

**2: Cases relating to Matrimonial Affairs:**

	Classification of cases	Number of Cases
1	Divorce	663
2	Provision of residence	265
3	Bad Cohabitation	137
4	Alimony	503
5	Increase in alimony	52
6	Custody	400
7	Visit to children	106
8	Domestic violence	159
	Total Number of cases	2285

**The following are statistics of the number of cases pending before the labour Courts (district) during 2005 and the procedure taken:**

	<b>Number of incoming and pending</b>	<b>Adjudicated</b>	<b>Pending</b>
1	1019	598	421

**The following are statistics of the number of cases pending before labour Courts (Grand) during 2005 and procedure taken:**

	<b>Number of incoming and pending</b>
1	117

## **Fifth: Decisions and procedures**

### **1. Emiri decision of the year 2005:**

The Emiri decision has emphasized the cultural role and its importance in the society, by the establishment of a cultural village, with the aim of developing culture, creativity, and arts. The legislation has also permitted the right of assembly of artists and creative people for the purpose of spreading the cultural awareness through the exercise of the various cultural activities.

### **2. The Decision of the Chairmen of the Supreme Council for Environment and Natural Reserves, No. 4 of 2005 on the issuance of the Executive Regulations for the Protection of the Environment, issued by virtue of the Decree Law No. 30 of 2002:**

- Section 1<sup>19</sup> provides that the provisions for the protection of the Environment in Law No. 30 (2002) be implemented.
- Section 3<sup>20</sup> provides criteria to be followed in order to preserve the environment, with the aim of creating a healthy environment free from pollution. The legislature was concerned with putting in place precautions for the protection of the environment from dangerous substances, collection, re-cyclation and disposal thereof.
- The legislature has permitted the import of dangerous substances, but has at the same time specified in Section 43<sup>21</sup> the scope of its use by placing limitations on persons that may be allowed to import it, protecting thereby the public health.

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<sup>19</sup> Law No. 4 of 2005

<sup>20</sup> ibid

<sup>21</sup> ibid

- Section 79<sup>22</sup> prohibits ships and carriers from polluting and contaminating the sea and its environment and has obliged them to undertake all requirements imposed by the law and the regulations.

**3. The decision of the Ministry of Civil Service Affairs and Housing, Law No 6 for 2005:**

The Ministerial decision emphasized and confirmed the directions contained in the new Labour law No 14 (2004) such as; the protection of labour, maximum daily working hours, maximum working days per week, the obligations of the worker and their commitment in order to benefit the economy and its proper functioning.

**4. The decision of the Minister of Civil Service and Housing No 7 for the year 2005, for the issuance of Disciplinary procedure of workers:**

The Ministerial decision has laid down a directive model on the disciplinary procedure to be followed by employers. The regulations shall constitute the maximum penalty that employers can impose and as such rule out any kind of prejudicial influence that the employer may have over the worker due to their right to wages.

**5. The decision of the Minister of Civil Service and Housing No 8 for the year 2005, regulates the conditions, procedures, and licences of workers recruited from abroad:**

The Ministerial decision regulates the conditions and procedures for bringing foreign workers into Qatar. It provides certain reassurances and guarantees to the

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<sup>22</sup> ibid

employee. The employer must deposit the sum of twenty-five thousand Qatari Riyals to the Ministry of Civil Affairs, for the duration of the license in order to guarantee that the employees are provided with all their entitlements. The employer is also obliged to provide an employment contract and various other rights such as vacations and a ticket to return home.

**6. The decision of the Minister of Civil Service and Housing No 9 for the year 2005, refers to how the money that is deducted from workers wages as imposed penalties is spent:**

The wage deductions that are made from workers as penalties for work violations are recommended to be provided to social, cultural or sports activities for workers of the establishment, so that they would collectively benefit from the funds. However the funds cannot be seen as an incentive or reward in order to buy clothes etc. The funds may also be invested in a business.

**7. The decision of the Minister of Civil Service and Housing No 10 for the year 2005, specifies the particular areas of work that are excluded from breaks:**

Section 1 of the decision explains the professions that may be excluded from taking breaks in order to safeguard the interests of both parties. Section 2 of the decision provides workers with the right to a break for beverages, to freshen up and for them to fulfill their religious duties by granting them the right to pray at prayer times.

**8. The decision of the Minister of Civil Service and Housing No 11 for the year 2005, relates to the categories or workers that are excluded from the maximum working hours:**

The Ministerial decision applies to workers that are excluded from the Labour Law (2004) and specifies the maximum working hours that should be worked, in order to protect the workers from exploitation and to preserve their rights. The maximum working hours put in place in order to protect workers<sup>23</sup> are for workers to work a maximum of forty-eight (48) hours per week, except during the month of Ramadan, where the maximum working hours is decreased to thirty-six (36) hours. In addition to this the overtime will not exceed twelve hours per week, for work defined in Section 2 of the decision and for humanitarian considerations of the situation of workers.

**9. The decision of the Minister of Civil Service and Housing No 12 for the year 2005, for the Specifications of areas outside the cities:**

To preserve the rights of the workers, the decision specified particular suburbs and requested the employers to provide the necessary welfare and general amenities to the areas at their own expense for the benefit of the workers and to maintain good health.

**10. The decision of the Minister of Civil Service and Housing No 13 for the year 2005, for the legislation of situations and procedures of works:**

The decision identifies the method of inspection of the Labour Department. In furtherance of its aim the Labour Department is granted a quasi- judicial role in order to enable it to undertake its assigned tasks by virtue of the decision. In order

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<sup>23</sup> By the Labour Law 2004.

to bring to a stop any evasion by employers to the labour Act (2004) and to preserve the rights of workers to promote healthy work environments according to the provisions of section 17 which included all work situations and conditions.

## **Chapter Two**

### **The situation of Human Rights and Basic Freedoms during 2005:**

This chapter is an attempt to understand the situation of Human Rights through an objective study of the facts, responsibilities, recommendations, with a particular view towards the basic human rights, the economic social and cultural rights and the rights of special care categories.

#### **First: Civil and political rights:**

##### **1-Basic rights:**

- Right to Life.
- Right to Freedom and Personal Safety.
- Right to a Fair Trial.
- Treatment of Prisoners and other Detainees.
- Right to Equal Treatment.
- Right to Nationality.

### **Right to Life and Disappearance:**

The Committee did not note any instances of violations to the right to life which falls within the responsibility of public authorities during the year 2005, which is considered to be a positive indication of the protection of the right to life.

At the level of disappearance, the Committee neither received any complaint, nor witnessed any instance of disappearance.

### **Right to freedom and personal safety:**

Right to freedom and personal safety is considered to be one of the basic rights embodied in both the Constitution and the Law, and sufficient guarantees were laid down for its protection.

The Committee considers Law No.17 (2002) for the Protection of the Community, to constitute a violation to the Right of Freedom and Personal Safety, as individuals may be put in custody for long durations without trials, or without given the opportunity to appeal against such decisions before the judiciary. This kind of law in other jurisdictions may be implemented as an emergency law however it is permanent in the State of Qatar, which is a cause for concern.

Law No. 5 (of 2003) for the establishment of State Security and Law No. 3 (of 2004), against Terrorism represents violations and restrictions to the Rights of Freedom and Personal safety. Law No. 5 of 2003<sup>24</sup> provides the State Security the authority to detain a person for up to thirty (30) days without taking the individual

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<sup>24</sup> Law No. 5 for the year 2003, for the establishment of State Security.

before the investigation authorities. Law No. 3 of 2004<sup>25</sup> empowers the public prosecution to detain suspected individuals for six (6) months without trial, extendable to an indefinite period by the Competent Courts. Both pieces of legislation have been implemented during the year 2005, and particularly following the criminal incident which occurred on 19 March 2005<sup>26</sup>.

Following the incident that took place on 19 March 2005, State Security arrested individuals connected with the perpetrator of the crime, Amro Ahmmed Abdalla. The Committee received complaints from some of the individuals taken into custody and investigated the details of the detainees. The Committee contacted the concerned authorities and followed up these cases, and the periods of their detention<sup>27</sup>. As a result nine individuals were released and now there are only three individuals remaining in custody. The Committee assisted by following the cases through in order to achieve some sort of outcome. The Committee holds the opinion that individuals should not be detained for indefinite periods of time and as such investigations should be carried out and completed and thereafter individuals should either be referred to the judiciary or released. The Ministry of Interior and the Investigation and follow up administration, have released two individuals who were suspected of involvement with the explosion<sup>28</sup>, after evidence that the accusation was baseless.

Taking into account State Security considerations, the Committee is of the opinion that any increase to the restriction of personal freedoms would constitute a

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<sup>25</sup> Law No. 3 for the year 2004, against Terrorism

<sup>26</sup> The explosion of the Doha Players.

<sup>27</sup> Period of detention in accordance with Law No. 5 of 2003 for the establishment of State Security and Law No. 3 of 2004 against Terrorism.

<sup>28</sup> Explosion of Doha Players on 19 March 2005.

violation to the principles of legality and are capable of jeopardizing the Right to Freedom and Personal Safety.

The Committee on many occasions has visited the Deportation Detention centre and found great numbers, ranging from 350-450, being held at the centre. The Committee has drafted a report on the situation of the detainees, along with proposals and recommendations and handed it to the Ministry of Interior. In response the Ministry of Interior set up a committee to study each individual case in order to remedy the situation. There are still great numbers detained without legal justifications.

The Committee has been notified by the Ministry of Interior that a committee will be formed in cooperation with the Human Rights Department within the Ministry of Interior, to study the cases of all the individuals held at the deportation detention centre. Its aim will be to minimize the numbers held at the Deportation detention centre by considering their particular situation, by either releasing them or implementing their repatriation. It will be provided with allocated funds to finance air tickets and expenses if necessary. It will cooperate with the general prosecution office and the courts in order to accelerate adjudication on disputes relating to the said categories.

### **Right to a Fair, Just and Expedient Trial:**

It seems that the system of precautionary detention (remand in custody), whilst investigations are being made and the trial procedures in criminal cases is a punishment in itself. The Committee has observed the increase of the judiciary to resort to precautionary detention to an extent that has made it, in some instances, a cruel penalty. Individuals who are not found to be guilty by a Court should have

recourse if they were remanded in custody. They should be given the opportunity to claim for damages for any physical and/or emotional injuries sustained as a result of the precautionary detention. The Committee is also of the opinion that the period of precautionary detention should be limited and it should be proportionate to the seriousness of the crime committed.

The Committee recommends new provisions be implemented with regards to precautionary detention, and as such for its application to be limited and for damages to be available in certain circumstances.

The Committee is of the opinion that it is important for the number of public prosecution officers and judges to be increased. Training and professional development programs, on the legislation and alternatives to the Court procedure such as alternative dispute resolutions of arbitration and negotiation specifically with regards to Labour cases<sup>29</sup>.

The lengthy procedures of investigation is a major concern which affects the Right to a Fair Trial. The Committee has witnessed investigation procedures before the general prosecution to take in excess of one year. In addition to the already lengthy periods the appointment of experts extends the period and is an added disadvantage. In situations where experts are required, the expert fee is between three hundred to five hundred Qatari Riyals. In circumstances where the worker is unable to provide for his/her own living expenses as he/she has been suspended from employment and is not being given their entitlements, the experts fee will not be possible and as such it affects the individuals right to resort to the judiciary, which in turn constitutes a clear violation to the Right to a Fair Trial.

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<sup>29</sup> Labour Law No. 14 of 2004.

### **Treatment of prisoners and other detainees:**

The State has taken made extendable efforts in order to improve the situation of detainees, for torture to be extinct and to improve the treatment of the detainees. The Committee has, in the meantime, noted collective complaints from detainees concerning the applicability of the system of conditional release and release for medical reasons. This situation has instigated the detainees, on more than one occasion, to conduct strikes in the central jail. As such we hereby request the Ministry of Interior and the Attorney General to expand the application of the system of conditional release and medical release.

His Excellency the Emir has issued, during the month of Ramadan a pardon for many prisoners, and a pardon on the occasion of the National Human Rights Day i.e.11/11/2005 and for 26 prisoners for humanitarian considerations.

Despite the continuous efforts of the Ministry of Interior to improve the situation of prisoners, the situation of prisoners at the deportation detention centre is still in a bad condition. The individuals live without beds, in large numbers inside the same room, and some are still detained without a detailed justification.

Detention of large numbers of foreigners, most of whom are simple workers (usually illiterate and uneducated) undertaking simple jobs, and quite often they have had an uncomplicated civil dispute with their sponsor. The dispute is usually in the form of the sponsor not providing the worker with an air ticket, or that the sponsor has reported the worker has fled from him and in effect cancelling the workers resident permit.

### **Rights of Equality:**

The Committee has witnessed violations to the Right of Equality represented by the difference in treatment and thus discrimination between men and women in job opportunities, salaries, benefits and other allowances connected with employment in the civil service domain. Some public institutions which have their own regulations have implemented the principles of equality between males and females relating to employment.

The Committee has also witnessed some instances where Qatari citizens have been forbidden from applying for some job opportunities because of none approval from the State Security department. Upon appealing this, the reason stated for refusal was that it was in the public interest and nothing further was stated.

The Committee has also noted various other sorts of discrimination, and in particular the discrimination between citizens from birth and individuals who have gained citizenship. It can relate to loan opportunities for senior officers, lands and popular houses allocation. The discrimination was in despite of Sections 34 and 35 of the Constitution which provides for equality of the rights and obligations to all citizens.

### **Right to Nationality:**

The Committee has also noted the withdrawal of the Qatari nationality from about five thousand (5,000) individuals, comprising of men, women and children, on the basis of them having more than one nationality<sup>30</sup>. The foreign media has more

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<sup>30</sup> The Qatari law does not permit citizens to hold another nationality amongst the Qatari nationality.

than once highlighted this subject. The Committee has already issued a statement portraying its views in this respect.

The withdrawal of the Qatari nationality from about three hundred (300) families, comprising of about five to six thousand (5,000 - 6,000) individuals, represents a dangerous situation which has security, economic and political consequences. It is our opinion that a committee which is transparent and credible should be created to assess the situation. The proposed committee would research and assess each case on its own individual basis and come to a swift decision. Persons evident to be holders of only the Qatari nationality should regain their Qatari nationality, and persons who have acquired Qatari nationality through deceit or fraud will be subject to the provisions of the law in force, which does permit the Qatari nationality to be withdrawn.

Until the situation is investigated and finalized, the individuals should be given their legal rights and freedoms, such as the right to work, the right to a dignified life, the right to movement, the right to education, the right to health and other similar rights and freedoms. This is to limit the affects that the investigation will have on the individual's lives.

The Committee has witnessed instructions demanding the Qatari nationality to be given back to some of the individuals as per the provisions of the law of the State. Such instructions were beginning to be acted upon by the competent authorities at the time this report was issued.

## **2. Public Freedoms:**

- Freedom of Opinion and Expression.
- Freedom of Peaceful Assembly.

- Freedom to form Associations, Parties and Unions.
- Freedom to participate in the administration of public affairs.

### **Freedom of opinion and expression:**

The State of Qatar has been undergoing vast developments towards increasing the Freedom of Opinion and Expression. As such an example of this is that the Committee functions by undergoing its tasks, drafts reports etc. without censorship or red tape being drawn. The various types of media in the State of Qatar conduct their activities without violations. In fact workers in the field of media exercise self censorship when they discuss local issues such as nationality, labour cases, the system of sponsorship, exit permits, deportation detention, children victims of camel races, house maids etc.

There are many pressures being exerted with the aim of achieving the utmost freedom with regards to media. The most important and well documented pressure that is being exerted is that by the United States of America (USA) on the Arabic Al-Jazeera Channel which lead to the closure of its office in Iraq and was judicially sued with the aim of limiting or hindering its activities and restricting them, in addition to the temporary closure of its offices, and perusing its correspondents in some of the Arabic countries. If what has been lately published in the Daily Mirror about the intention of President Bush to strike the Al-Jazeera channel in Doha, Qatar is proven to be true, this would then amount to a violation of the right of opinion and freedom and of expression and forms oppression to this major media instrument.

The sessions of the International Conference on “Combating Aggression”, which was held in Doha, during the period between 23-25/2/2005, was attended by a

great number of scientists and well-educated people, and who usually prohibited from making statements and expressing their opinions. The Committee noted that the Conference and the individuals enjoyed great freedom in the exchange of opinions.

The Committee has also noted the activities undertaken by clubs, schools and universities represented in the form of lectures and debates on various issues in which speakers and others expressed their opinions freely.

Under the report prepared by “Correspondents San Fronteurs”, the State of Qatar ranked number 105 with regards to the Freedom of the Media, in comparison to all the countries of the world. The criteria used by the organization is varied in order to assess the freedom of the media, the types of criteria that is used is the following; if journalists have been assassinated or detained because of their opinions, the level of freedom for scientific research, the freedom of knowledge and the internet. The State of Qatar has ranked third within the Arab region after Lebanon and Kuwait.

The Committee did not receive a single complaint, in the year 2005, by an individual being detained due to his/her views or opinions in the State of Qatar.

### **Freedom of Peaceful Assembly:**

Law No. 18 of 2004 was issued, relating to the Right of Peaceful Assembly and organization of demonstrations. The legislature when tending to organize the right has laid down many restrictions on its exercise, as such it has resulted in the restriction of the right. The Committee has already studied this Law<sup>31</sup> and provided its views, which were published in its Annual Report of 2004.

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<sup>31</sup> Law Number 18 (2004) Right of Peaceful Assembly.

The Committee has neither received nor witnessed any complaints relating to a violation of the right of peaceful assembly.

**Freedom of formation of associations, parties and unions:**

The right to form political parties and trade unions was not embedded in the new Constitution, however the right of formation of associations was.

The Private and Professional Associations Law Number 12 for the year 2004, was legislated to organize the right to form private and professional associations, which closely resembles unions. Carrying out activities outside the organization of its own affairs was prohibited. The Law<sup>32</sup> has also imposed many restrictions on the exercise of the right to form private and professional associations.

The Law<sup>33</sup> has limited associations to professional fields. There has been a delay in the grant of licenses, sponsorship, nature and type of penalties, and dissolution of these associations. Restrictions were very prominent in this Enactment. The year 2005 witnessed the formation of many professional associations; such as the Lawyers association, the Doctors association, and the Accountants association, etc. Restrictions included in the Law<sup>34</sup> may form an obstacle before civil society organizations. The Committee has not received, during the year 2005, any complaints in that respect. Time will tell the extent to which administrative authorities; namely the Ministry of Civil Service and Housing may handle the right to form associations.

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<sup>32</sup> Private and Professional Associations Law Number 12 (2004).

<sup>33</sup> *ibid*

<sup>34</sup> *ibid*

### **Freedom to participate in the administration of public affairs:**

The State has continued in its progress of taking steady steps towards a transformation towards democracy and political reform. Legislation concerning the exercise of political rights are yet to be issued and the Committee is awaiting such legislation to review.

### **Second: The Economic, Social and Cultural Rights:**

- The right to a Dignified Life.
- The right to Work.
- The right to Education.
- The right to Residence.
- The right to Health.

The new Constitution has embodied many of these economic, social and cultural rights. This in turn has placed an extra burden on the State with an obligation to respect those rights and enable citizens to exercise them.

Qatar has continuously maintained its emphasize on its commitment to the following; human development, the principles of good ruling, democracy, the institutions of the State, the supremacy of the law, transparency, accountability and independence of the judiciary. Qatar has been ranked number forty (40) internationally and number one (1) in the Arab region in the latest human development report.

### **The Right to a dignified life:**

The right to a dignified life is one of the most basic rights and the basis of the social and cultural rights. It has a comprehensive nature and cannot be achieved except and unless the other economic, social cultural, civil and political rights were attained.

This right is closely connected with poverty. The State is under an obligation to provide a sufficient standard of living to individuals and to families in order to avoid its citizen's having to face poverty and a needy life. Poverty may result from grave social problems and create an environment susceptible to the spread of extremist's crime.

The United Nations Human Rights Committee has classified poverty as one of the worst forms of violations to Human Rights. States have come to a mutual understanding in the United Nations Millennium Declaration, that eradication of poverty is one of the major aims and objectives and which the International community is supposed to work on its realization by the year 2015.

The Committee has observed that despite the States best efforts to combat poverty by; improving the availability and standards of education, the right of subscription of nationals to company shares and other efforts, there still exists poverty among a small number of citizens. The way forward to abolish poverty is recognized to be through the expansion of employment opportunities and the implementation of the new Labour Law (2004). Emphasizing on the following factors; employment of citizens in the private sector, improvement of the employment relationship, combating illiteracy and low education levels, employment of disabled or special

needs individuals in order to obtain equality in the distribution of wealth and equal opportunities and overcome any issues of discrimination or bias.

The Committee is of the opinion that poverty should be defined, in the State of Qatar, in relation to the income within the State.

According to official statistics of the State, issued by the Planning Council, in June 2005, there are more than a minimal number of individuals who receive a benefit/subsidy. The amount of the subsidy during the period (1998-2003) reached 83,994,449 QR. (whereby the total subsidy provided for social welfare the sum of QR 13,630,400). We believe that social subsidies provided by social authorities for the needy families be raised so as to allow them to meet the necessities of life and provide a dignified living to the families.

### **The Right to work:**

The right to work constitutes one of the basic economic and social rights for human beings. It encompasses the right to work and the right to choose the type of work, to be protected against unemployment, to be given equal rights for equal working hours, to be granted the right of organization and assembly, the right to a rest period, and the right to work under safe and healthy working conditions. This right has been noted by the Committee to form one of the most prominent rights. Violations with regards to housemaids and other such employment is seen by some companies particularly contracting companies. A detailed account is given at a later stage, under the title Rights of Workers.

### Unemployment:

The State witnesses two types of unemployment; which takes the form of (1) unproductive employment, and (2) Actual unemployment. They are both the natural result of an acute defect in the balance of the structure between offer and demand, which instigates the necessity of the application of insurance against unemployment.

It is worth mentioning that the report issued by the Supreme Council for Family Affairs for the year 2004 under the title "The National Report about Women and Men in the State of Qatar" states that the rate of unemployment has increased from 1% in the year of 1986 to 2.3% in 1997 to 3, 9% in the year 2001.

### Right to form labour Unions:

The right of associations/unions has been provided for in the new Labor law 2004. However it is impossible to achieve the figures the law has stipulated that the establishment or the factory should include one hundred (100) Qatari employees, which is impossible to realize under the current job structure.

The labour law 2004 has also provided for the right to strike, but has heavily restricted it so much as to make its application practically impossible.

### Health and safety considerations and security precautions:

A well-founded standard criteria was set with regards to health and safety. However, there is no effective supervision or penalty mechanism put in place. The new Labour Law No 14 (2004) has provided for a number of procedures and precautions in order to guarantee the safety and security of employees, such as

medical care. However due to their being no supervision or penalty mechanism the enforcement is difficult to implement.

*Insurance and pension rights:*

Insurance rights are considered to be one of the most important economic and social rights. The lack of an insurance scheme to protect against unemployment is considered a violation to this right.

Generally it is the expatriates who suffer from the violations because of the sponsorship system. The sponsorship system has many flaws and some of which are the following; the employer must grant the exit permit, payment of dues to workers, difficulties with transfer of sponsorship, holding the workers passport, no adequate accommodation, shortage of food, advertising housemaids as commodities, forcing long hours of work, lashing, and sometimes sexual harassment or rape. On occasion when the workers demands their entitlements or complains about the treatment they get accused of theft and then they are forced to work without payment. There are other problems, which relate to labour disputes such as, lengthy proceedings, expert fees, custody at the deportation detention centre. Additionally the workers usually do not want to complain about the treatment they encounter because they fear that they will lose their jobs and they may be deported. There is no mechanism to deal with these sorts of situations where there is the jurisdiction, impartiality and transparency to deal with the situation.

The Committee has highlighted the disputes and problems being faced by expatriate employees/labourers. As such, legislation dealing with expatriates should be re-viewed and any violations should be removed. The Committee recommends an independent and impartial supervisory authority to be established

in order to protect and safeguard the rights of the employee/labourer from violations from employers.

### **The Right to Education:**

The right to education is an essential step towards guaranteeing economic development for the benefit of society as a whole in addition to self-improvement of individuals. Education safeguards human rights by providing individuals the knowledge of what they are entitled to and how they can obtain their rights. Without the knowledge of human rights and how to achieve them the individuals would be none the wiser. The State of Qatar has made numerous reforms to education, particularly with regards to efforts of recommendations and the sort by the Supreme Education Council.

The right to education includes the right of knowledge, the right of scientific research and the like, and the State of Qatar recognizes this, and as such it has committed itself to offer free education up to University education. .

The Ministry of Education refused to enroll children of those whose nationality had been withdrawn. However, they were later classified as residents of the State of Qatar and permitted to enroll. The parents of such children were also required to pay fees that they did not need to pay previously. A fee of one hundred and fifty (150) QR for schoolbooks and between one hundred and seventy to three hundred (170-300) QR as transportation fee were imposed. After coordination with the Ministry of Education and the Supreme Education Council such fees were withdrawn.

There are different types of educational systems available in the State of Qatar.

There are three main types of schooling;

Education is divided into:

- (1) **Governmental** Education, which is comprises of a wide section of the community,
- (2) **Private** Education, branded with high charges,
- (3) **Independent** Education, which is very new and is currently being monitored for its effectiveness.

The right to education is closely connected to the right to receive information. There is no doubt that the efforts and progress by the government in the application of electronic government (e-government) and the availability of the Internet is considered to be a step forward towards the right to receive information.

There are still some restrictions in place with regards to the right to information. The restriction is seen in the form of restriction on the freedom of expression and the restrictions on particular internet websites.

The right to education encompasses the freedom of scientific research and as such the Committee seeks that the funding on scientific research is increased in order for the right of the freedom of information to be protected.

The Committee is of the opinion that the Supreme Education Council should undertake supervision and control of all the arrangements of the educational process, in addition to drafting reports that would enable the community to view the current performance of the institutions.

## **The Right to Housing:**

Article 25<sup>35</sup> of the Universal Declaration for Human Rights<sup>36</sup> encompasses the right to housing as a basic right that all individuals should be entitled to. This right is closely associated with the right to work, the right to education, the right to culture, the right to a dignified living in addition to the right to medical care.

This right does not only provide for the dwelling itself, but also the means to make it possible and the means for it to be to the standard of living. The following are examples of the considerations that must be taken when obtaining the right to housing; allotment of land, the permission for loans, the necessary planning authorities and policies, the necessity for the monitoring of the infrastructure and other essential amenities such as pathways, roads, drainage, water, electricity etc.

The right to housing takes in many considerations and one of which is the population figures and the land available.

Many companies have invested in establishing luxury residential compounds. This has resulted in the sharp decrease or even abandonment of residential property projects for low or average income households. This in turn mostly affects the poor, the average labourer, the expatriate and the youth.

The Committee has insisted that the State intervenes in order to stop or reduce the high level of rents and rent increases that are being imposed by landlords. It is suggested that the State increases the number of developments for low-income households and to fix the rent increases that a landlord can impose. The State has responded positively towards these recommendations and has approved a project

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<sup>35</sup> Article 25 states that “Everyone has the right to a standard of living adequate for health and well being and of his family, including food, clothing, housing and medical care and necessary social services...”

<sup>36</sup> Universal Declaration for Human Rights, adopted by General Assembly Resolution 217A (III) of 10 December 1948.

which will be specifically for residents with low or average earnings, which has the capacity to accommodate three hundred thousand individuals (300,000). Additionally, the Law No. 4 of 2006 was issued with temporary solutions, relating to rents.

There is a great demand and need for housing accommodation for the elderly, widows, widowers, divorcees, etc, whereby the main objective is for the housing to be in a good standard of living however within their financial capabilities.

### **The Right to Medical Care:**

The World Health Organization (WHO) has defined health as “the state of physical, mental and social healthiness”. The right to health comprises of the right to maintain health, to attain medical care, and insurance against disease, disability and aging, with special emphasize on maternity and child welfare, in the way that would guarantee the best physical and mental welfare possible and development of human abilities.

The State endeavours to provide high quality medical care. The percentage of public finance for medical care is one of the highest percentages in the Arab region. The high quality medical care has resulted in a decrease in the number of mother-to-be deaths, and also a decrease in the number of infant deaths below the age of five.

The Committee suggests proposals or changes to the medical care system. Changes should focus on the following categories; the health of women, children, expatriate labourers and housemaids. In addition to the following issues; of

transparency on the distribution of medical services and investment and improvement of services, to initiate campaigns against smoking, drugs, intoxications, marriage an early age, circumcision, marriage to relatives, to promote awareness campaigns on AIDS, and to promote the protection of the environment.

The Committee advocates solutions for the following issues; the sharp increase in the price of medicines, the overcrowding of hospitals, the long waiting times at hospitals particularly in the emergency where the period sometimes extends for more than two hours and also in medical health centres, to provide clean drinking water and the maintenance of the environment free from pollution.

The Committee was notified, on 20/02/2005, by the office of H.E. Prime Minister that the administration of Hamad Medical Corporation is currently preparing for the establishment of a new psychological hospital which shall specialize in psychological illnesses, in addition to rehabilitation of addictions such as alcohol, drugs and other intoxicants. The Corporation<sup>37</sup> is also currently reviewing establishing a temporary unit for the treatment of addicts, as an extension of the psychological hospital.

The Committee has witnessed psychological problems going undetected and untreated, in addition to incorrect diagnoses being made particularly between psychological and mental illnesses. As such the Committee recommends a remedy be provided at the quickest opportunity in order to safeguard the Right to medical care.

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<sup>37</sup> Hamad Medical Corporation.

### **Third: The rights of special care categories:**

- **Rights of Women.**
- **Rights of the Child.**
- **Rights of Persons with Disabilities.**
- **Rights of Older Persons.**
- **Rights of Labourers.**
- **The role of civil society.**

The above rights are towards individuals who need more protection because they are considered to be vulnerable and thus at an increased risk of human rights violations.

#### **Rights of Women:**

The general situation of woman has improved. The most important factor is to make education available at all levels. There has been an increase in the percentage of women employed in senior positions. In addition to this, women themselves have widened their own prospects by being introduced to new fields and by their participation in political life. The women themselves have also opened up their thoughts by having debates and discussing certain issues. Despite the positive developments, the Committee advocates more to be done in order to abolish all sorts of discrimination against women and to place them on an equal footing with men. The State of Qatar is not a signatory to the Convention on the Elimination of All Forms of Discrimination against Women and as such the Committee recommends that it join the Convention in order to combat discrimination against women.

### **Forms of Discrimination:**

- Discrimination in the Freedom of Movement.
- Discrimination to the obtainment of Nationality.
- Discrimination in the place of Employment and particularly of the principle of equal payment for equal work not being implemented. The discrimination is usually in the form of allowances such as residence allowances, or senior official loans or allocation of lands.
- Women suffer in cases of custody of children whereby custody is usually granted to the man as he has the means to support the child.

### **Domestic Violence and other types of violence:**

Women suffered in some instances from violence exercised by their family members which was increased by the pressures of society. No accurate statistics are available because of the social precautions surrounding the issue. The culture, traditions all add to the reluctance of victims to report such incidents. In situations where complaints are filed the courts may elect to protect the privacy of the family and may take into considerations which favour the society's view rather than the woman's.

### **House Maids:**

Housemaids are more susceptible to suffering from many forms of abuse and violations to their human rights. The main reason for this is the economic and social factors that compel them to work for longer hours i.e. usually the whole week without a rest period and for financial considerations (as the wages may be

minimal). Housemaids are at an increased risk to physical or sexual abuse, and they may even resort to prostitution as a last resort particularly if they fail to find alternative employment or transfer of sponsorship.

### Trafficking Women:

Trafficking in Women is usually in the form of women who are vulnerable being exploited into forced prostitution because they have no other option. They may be employed in hotels, cafes etc however they are actually offering sexual services.

### Rights of the Child:

- The percentage of deaths of children under the age of five has dramatically decreased. This reflects an improvement to various factors, such as; medical services, nutrition, vaccinations, availability of clean water, etc.
- The Committee notes children suffer from various forms of family violence or abuse and sexual harassment.
- Law No. 22 of 2005 for the protection of child jockeys in camel races was issued to protect such children. Despite the enactment of the law<sup>38</sup> some children have still been retained for this purpose, as the expectation that the robots would fail and the children would be in demand once more. There are no provisions implemented for the protection or integration of such children back into society and as such some were deported back to Sudan. The Committee requires the Labour Department to use the authority that it has been designated in such cases in order to abolish it altogether and resolve the issue in its entirety.

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<sup>38</sup> No. 22 of 2005 for the Protection of Child jockeys of camel races.

The Committee has observed the rehabilitation agreement concluded between the Qatari Ministry of Foreign Affairs and the Government of Sudan for the rehabilitation of children victims at the expense of the Qatari government.

### **Rights of Disabled Persons:**

Disability has been defined and it differentiates between the type of disability and the extent or degree of the disability. The State is currently taking measures in order to integrate persons with special needs into the society. The State is making every effort in order to ensure that disabled persons are granted equal opportunities particularly to education and medical care. The law stipulates that employment institutions should maintain at least two percent (2%) of its work force to disabled persons. However there is no supervisory committee to guarantee that this is being implemented.

The Committee is of the opinion that additional services to disabled persons should be provided, in addition to the quality of services provided being improved.

It is unfortunate that the Committee has observed some violations with regard to disabled persons within the Ministry of Municipality and Agriculture. In which a number of employees were transferred because of the fact that they were categorized as persons with a disability. This is a clear violation to the rights of these individuals. The Minister was addressed and up till this report being issued no response has been made.

The Committee has held in coordination with the Supreme Council for Family Affairs a training session about Human Rights and persons with disability or special needs, during the period 20/11/2005-01/12/2005. Individuals from a broad spectrum attended including experts, persons with disabilities etc.

The Committee has also commented on the draft international, complimentary and comprehensive agreement and addressed them to the Special Rapporteur of the United Nations on Disability.

*Observations on the rights of persons with disabilities:*

- The State provides a number of facilities, services and benefits to disabled persons and their families. The Committee recommends that the various authorities build a more cohesive and coordinated relationship in order to provide such services.
- There are about five thousand (5,000) disabled persons who need to be integrated into the society and require the acceptance of society.
- The University of Qatar refused to admit disabled students, which violated their rights to a University Education. Necessary equipment should be made available for all disabled students.
- Independent and governmental schools refuse to admit some disabled children without legal justification.
- There is no insurance system against disability.
- The rules and strategies placed by the Supreme Education Council in order to safeguard equal treatment for disabled persons should be implemented to achieve practical results.

Most of the State facilities, buildings, vehicles etc. do not provide the necessary access e.g. wheelchair access, to disabled persons. Disabled persons should be provided with the same access as other individuals. The public transport available in the form of Karwa buses do not provide access to wheelchair users or other incapacitated individuals, in addition to bus stations not being well facilitated to wheelchairs.

### **Rights of the Elderly:**

Qatari elderly people are entitled to a monthly benefit from the State amounting to One thousand one hundred and twenty five (1,125) QR and may obtain the sum of Eight hundred (800) QR as housing allowance after meeting stringent conditions. It is the opinion of the Committee that the amount of benefit given is increased, in order to meet the current living expenses, and the eligibility be opened to more individuals.

### **Rights of labourers:**

Despite the new labour<sup>39</sup> law and the establishment of the Labour Department violations in employment rights are on the increase.

The Committee views the following issues such as sponsorship and transfer thereof, freedom of movement from one employer to another, deprivation of wages or other work entitlements, abuse of workers, bad living conditions, to constitute a form of trafficking in persons and a pretense to modern-day slavery.

The Committee has observed the bad conditions that workers have to work in, in the construction or building sector. Such employment is usually under hot weather with no protection from the sun. The humidity is linked to many injuries that occur. However these types of workers are not usually provided with the sufficient medical care. On occasions employees are brought into the country from abroad and left to find alternative employment for themselves. In the Najmah area in Alharaj there are not less than five hundred (500) workers. It is not uncommon for

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<sup>39</sup> Labour Law No. 14 of 2004

such individuals to have to pay their sponsor a sum of around two or three hundred (200 – 300) QR a month. This is so that the sponsor does not cancel their permit in order for them to stay in the State of Qatar.

The Committee has observed some cases of inhumane treatment; such as abuse, prolonged working hours for up to sixteen (16) hours per day, no weekly rest periods, and violations of health and safety precautionary measures.

It is also that the Law<sup>40</sup> excludes the individuals who are perhaps the most of need of it, they are the most vulnerable to this sort of treatment. As such a refusal to transfer sponsorship, dismissal, non-renewal of residence permit, exit permit, right to wages, reporting sexual harassment may lead to the detention of the individual at the deportation detention centre for lengthy periods.

The Committee has also noted that in situations where there is a personal dispute between the employee and his/her sponsor this can often lead to the following rather arbitrary consequences of; not being provided with work, wages being withheld, passport being withdrawn or retained, no change of sponsorship, no exit permit etc.

In situations where the employee requests his/her full financial entitlements and the case is at the labour court or civil court there is a risk that he/she will be sent to the deportation detention centre until the matter is resolved. The law<sup>41</sup> does provide that such cases are dealt with expediently and are exempt from judicial fees. However they often take in excess of six (6) months, and an expert fee of between three to four hundred (300-400) may be required.

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<sup>40</sup> Labour Law No. 4 of 2004.

<sup>41</sup> Section 10 of the Labour Law No. 4 of 2004.

Despite the Constitution and the new Labour Law<sup>42</sup> there is still a legislative gap that needs to be filled in order to protect the rights of the workers/employees. It is necessary to regulate, protect and to provide effective, expedite, impartial and transparent solutions to these issues.

The Committee suggests that the sponsorship system<sup>43</sup> be abolished and as such the exit permit which is currently required.

**Civil society:**

It is vital that civil society acknowledges and comprehends the steep curve of development, with particular reference to human rights in producing a more democratic and tolerant society. As such the Committee recommends the following associations be established in order to enhance and protect human rights;

- Human Rights Associations,
- Associations to safeguard Rights of women, Children Rights, Persons with Disabilities, Workers/ employees rights, etc.
- Set strategies for cooperation between civil society organizations and the State.

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<sup>42</sup> Labour Law No. 4 of 2004.

<sup>43</sup> Law No. 3 of 1963 for the sponsorship and entry and residence of foreigners, and Law No. 3 of 1984 for the organization of sponsorship and residence of foreigners.

## **Chapter Three**

### **Activities of the Committee**

#### **Complaints:**

During the year of 2005, the Committee has received five hundred and eighty five (585) complaints/referrals for assistance, in addition to fifteen (15) collective complaints relating to unpaid wages and work under bad living conditions. Most of these complaints were against contracting companies. The Committee in collaboration with the Labour Department has succeeded in resolving most of these complaints, and the remaining were referred to the Judiciary.

#### **Breakdown of the complaints received by the Committee in 2005:**

- The Committee received eighty-four (84) complaints requiring assistance in abolishing deportation orders/decisions, whereby the Committee addressed the cases to the Ministry of Interior. The Ministry abolished thirty-eight (38) deportation decisions, whilst the others were rejected on the grounds of the public interest without specifying particular reasons of rejection.
- One hundred and sixty-two (162) complaints were received relating to the transfer of sponsorship, whereby the Committee addressed the cases to the Ministry of Interior. The Ministry of Interior approved fifty-two (52) cases and rejected the others.

- One hundred and sixteen (116) complaints relating to disputes between the Sponsor and the Labourer, relating to such issues of financial entitlements, exit permits or the like. Some of these disputes were resolved amicably and the rest were referred to the Labour Department.
- The Committee received ten (10) complaints relating to arrest of persons at deportation detention centres. The Ministry of Interior was addressed and the detainees were released. The Committee is currently making periodical trips to the deportation detention centres in order to check the number of persons at the deportation detention and to check on the progress of each individuals' situation.
- The Committee received twenty-nine (29) complaints relating to the renewal of residence permits, granting residence permits to spouses and children, transfer of a visit visa to a residence permit. The Ministry of Civil Services was addressed and fifteen (15) applications were approved and the rest were denied because they did not meet the conditions of eligibility.
- The Committee received six (6) complaints relating to the right of residence. The Ministry of Civil Services was addressed and one application was approved and the rest were denied.
- The Committee received twenty-one (21) complaints relating to the right to work. The Ministry of Civil Services and the Labour Department were addressed, where four (4) applications were approved and the rest were denied because they did not meet the conditions of eligibility.

- The Committee received two (2) complaints relating to torture. The Ministry of Interior was addressed and an investigation was carried out.
- The Committee received four (4) complaints relating to the detention of persons at State Security. The Committee has also noticed other persons detained at State Security, the total amounting to 12 cases, which the Committee has followed until 10 persons were released, and there are still 2 at custody.
- The Committee received three (3) complaints relating to the right to education and completion of scholarship, and the concerned authorities were addressed, each within its jurisdiction and all cases were solved.
- The Committee received two (2) complaints relating to health where the necessary institution was addressed and the reasons for the complaints were removed.
- The Committee received three (3) complaints relating to the lengthy delays of the investigation procedures by the Public Prosecution and before the Judiciary. The concerned authorities were addressed and reasons behind the complaints were removed.
- The Committee received two (2) complaints relating to the long delay of the execution of final judgments. The concerned authorities were addressed and the judgements were executed.

- The Committee received fourteen (14) complaints requesting provisional release or medical release. The Committee studied the cases and some of them were pardoned and some of the individuals were released under probation.
- The Committee received two (2) complaints by prisoners in penal institutions demanding to be allowed to receive visitors. The concerned authorities were addressed and visits were allowed to both.
- The Committee received thirteen (13) complaints relating to the rights of women. The complaints were studied and in some of the cases the obstacles that the individuals were facing were removed and the rest were referred to the concerned authorities.
- The Committee received two (2) complaints relating to the right of marriage, to approve marriages to foreigners. These complaints are still pending approval of the authorized committee put in place to consider this issue.
- The Committee received a complaint relating to three (3) disabled individuals who worked at the Ministry of Agriculture, who claimed to have been transferred because of their disability. The Committee addressed The Minister of Agriculture in order to resolve the issue.
- The Committee received two (2) complaints relating to violence against children. The Committee has formed a sub committee from the administration of legal affairs and social research which has investigated the cases, documented the information and followed up their situations on a periodical basis.

- The Committee has received numerous calls requiring legal or otherwise assistance. In some cases assistance was needed to write opening statements, or closing remarks, or a defence etc. Legal assistance was provided to all the applicants.
- The Committee received various other complaints, some were for the following situations; to apply for birth certificates, driving licence, transfer of ownership, civil disputes, application for financial assistance, rise in rents etc.
- The Committee used its best endeavours to provide assistance to the various situations adequately, efficiently and with compassion, even though some of the complaints were outside of its jurisdiction.

Chart of complaints and classification thereof during the 2005:

<u>Abolishment of deportation detention</u>	<u>Transfer of sponsorship</u>	<u>Address at deportation detention</u>	<u>Disputes with sponsor, exit permits and financial entitlements</u>	<u>Prohibition from traveling</u>
<u>84</u>	<u>162</u>	<u>10</u>	<u>116</u>	<u>6</u>
<u>State Security</u>	<u>Residence</u>	<u>Nationality</u>	<u>Residence</u>	<u>Work</u>
<u>4</u>	<u>29</u>	<u>18</u>	<u>6</u>	<u>21</u>
<u>Torture</u>	<u>Release application</u>	<u>Legal assistance</u>	<u>Education and scholarships</u>	<u>Prisons</u>
<u>2</u>	<u>14</u>	<u>13</u>	<u>3</u>	<u>2</u>
<u>Rights of women and violence</u>	<u>Rights of release</u>	<u>The disabled</u>	<u>Children</u>	<u>Execution of judgments</u>
<u>13</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>2</u>
<u>Expediency Investigation and trials</u>	<u>Health</u>	<u>Various rights</u>	<u>511 cases the rest( No jurisdiction)</u>	
<u>3</u>	<u>2The</u>	<u>6</u>		

**Note:**

Complaints relating to nationality received by the Committee have been documented separately and reports were drafted on the situations and delivered to the concerned authorities.

## **Other activities of the Committee:**

### **Reports**

The Committee issues two types of reports. Annual reports which are publicly published and periodical reports issued every three months to the Council of Ministers. Both types of reports include recommendations and proposals in order to protect basic rights and freedoms and for the promotion and enhancement of human rights in the State of Qatar. Most of the proposals made by the Committee are accepted and gain support from the Council of Ministers.

### **Conferences, visits, training sessions and lectures:**

#### **Conferences:**

- Tenth Asia Pacific Form Conference:

The Committee has participated in the Tenth Annual Asia Pacific Forum (APF) Conference, which was held in Mongolia, between 24-26 of August 2005. The Committee had been seeking membership and as a result of the conference attained membership to the Forum in this Conference. The Committee was granted membership to the APF as an associate member. Full membership would be considered in subsequent meetings and perhaps certain changes being made e.g. an increase in the number of members from civil society, abolishment of voting rights of representative of the ministries and to limit their role to being consultative only.

The Committee has concluded many meetings with the officials of the organization in Geneva. The Committee delegate answered questions about the constitutional, political, legal, economic and social developments that have been taking place in the State of Qatar within a human rights perspective. The role and activities of the Committee e.g. visits, investigations, publications, training sessions, lectures were also explained.

The representative of the Committee presented the progress of development of the State of Qatar towards the enhancement and protection of Human Rights, including constitutional and legislative developments. In addition to the serious commitment and continuous efforts towards strengthening democracy and the supremacy of law, accountability and an efficient administration.

Six countries had applied for membership at the conference, namely; Qatar, Taymore, Iran, Saudi Arabia, Tajakistaan, and Maldives. Qatar and the Maldives were the only countries that were granted membership. Mr.Nambaryn Enkhbayar, President of the State of Mongolia met with the representative of the Committee and congratulated him on the occasion, granted the Committee a memorial gift in appreciation of its role and performance at the Tenth Annual session.

- The Committee participated in the conference held in Cairo during the period 20 – 26 of June 2005, organized by the National Council for Human Rights of Egypt.
- The Committee prepared, in association with the Arabic Institute for Human Rights, a workshop about “The strategies of contribution of the civil society in transition towards democracy in the Arab countries” on 4-5 January 2005.
- The Committee participated in the event of the conference on “the media and rational governance” which was held under the sponsorship of his

Excellency the king of Jordan, 14-16 February 2005, in Amman, and organized by the Center for Protection of Freedom of Journalists.

- The Committee attended the first conference on national organizations of Human Rights in the Arab countries, which was held during the period 6-8 March 2005. The recommendations of the conference was to;
  - (1) Establish the regional center for the United Nations in the State of Qatar,
  - (2) the Second conference to be hosted by the State of Qatar, as such organized by the National Committee for Human Rights in association with the High Commissioner for Human Rights and the United Nations Development Program.
- The Committee organized, in association with the Ministry of Foreign Affairs and the INTRAK Organization (an international NGO with its headquarters in London, UK) a conference on civil society titled “Cooperation strategies between civil society institutions and governments for the enhancement and protection of Human Rights”, on 7-8 November, 2005, at the Four Seasons hotel, Doha, Qatar.
- The Committee participated in the “regional conference on transition towards democracy and the role of civil society – future perspectives”, held in Sana'a, during the period between 19-20 September 2005, which was organized by Information and Rehabilitation Center of Human Rights of the State of Yemen.
- The Committee participated in the events of the workshop on “ inter-relation between enjoyment of Human Rights, development and investment” held in Cairo on 27 November, 2005, which was organized by the National Council for Human Rights of the Republic of Egypt.

- The Committee participated in the events of the “Parallel Conference on Future Forum”, held in the Kingdom of Bahrain on 7-8 November 2005.

### **Training Courses:**

The Committee organized, in association with the Youth Public Corporation, Dubai Police Head Quarters, and Life Makers a training session for combating drugs, titled “National Campaign for Combating Drugs; Together against Addiction”, during the period between 4 and 10 January 2005. The training aimed at preparing qualified trainers to educate the youth of the dangers of drugs. The Committee organized, in coordination with the Supreme Council for Family Affairs- SEDA Training in July 2005.

- The Committee held various training rounds about “the conception of Human Rights and Basic Freedoms” at the Committee’s Office. Targeting participants who are supervisors and directors of education at the Ministry of Education, government schools and independent schools. Many experts participated. The object of the training was to;
  1. Spread the culture of Human Rights.
  2. Integration of Human Rights in educational curriculums.
  3. Enlighten individuals about the conceptions of Human Rights.
  4. Introduce international, regional and national machineries of Human Rights
  5. Work on making Human Rights integral component of the Qatari culture.

## 6. Highlighting the nature of the work of the National Committee for Human Rights.

Implementing Human Rights not only in the form of legislation but in the society's way of thinking in order for it to become a part of the society. In association with the Supreme Council for Family Affairs the Committee organised the first training session on "International comprehensive and complimentary agreement on supporting rights and dignity of disabled persons". Held 20/11/2005-01/12/2005, at the office of the Committee. It targeted disabled people themselves and their families and how to cope with living with the disability. The conference highlighted the agreement and support that was needed to protect such individuals and as such the international conventions that could further this aim. It also informed individuals of their rights in accordance with disability.

- The Committee organized a one day lecture on the "Law and the Role of International red cross organizations", held on 10/3/2005 at the Office of the Committee.
- The Committee organized, in association with the Ministry of Education, training sessions for employees of the Ministry of Education on the "Main aspects of International Humanitarian law" held on 20-24 March 2005, at the office of the Committee.
- The Committee organized a training session on "Drafting skills", held on 27-28 March 2005.
- The Committee organized a training session on the CEDAO agreement, in association with the Supreme Council for Family Affairs in July 2005.

## **Discussions and Workshops**

- The Committee participated in the workshop of “Methods and tools of popular training directed to marginalized and weaker categories in the field of Human Rights”, held on 24-27 January 2005, organized by the Arabic Institute for Human Rights, in association with the Bahrain Association for Human Rights.
- On 27/ 02/ 2005 the Committee organized, in association with the Police Training Institute a debate session on “The concept of Human Rights at the 20<sup>th</sup> Annual session for senior police officers Conference on the role of the Committee and the enhancement and protection of Human Rights, which was attended by 41 Police officers representing the various administrations and ranks.

## **Field visits and meetings:**

- A visit on 03/02/2005 to the deportation detention for men and women. The visit was to view the situation in order to enhance and protect the situations of human rights in the State of Qatar. The Committee prepared a comprehensive report on the visit with observations and recommendations, and submitted it to the Ministry of Interior and is waiting for a response.
- The Committee met with officials from political affairs of the American embassy on 7/2/ 2005; during which many issues were put to discussion; Such as trafficking in persons, employment issues etc.
- The Committee conducted an introductory lecture to a number of students from the Al Rayaan High school for Girls on 14/02/ 2005. The lecture

focused on the functioning of the Committee and the concept of Human Rights, and its development, national and international mechanisms, Women's rights and the rights of women under Islam.

- Students from the Algaraffa School visited the Committee, where an explanation of the concepts of Human Rights was given in addition to the basic idea behind the International Declaration of Human Rights and the rights of child.
- The Committee prepared a training program for a number of students (12) of the University of Qatar from the department of social studies. The lectures began on 01/03/2005 and were for six weeks, at the rate of one day per week. The program ended on 5 April 2005.
- The General Secretary met with, Mrs Fremses Jab Chairman of the co-operation with the Arabic world for the Ministry of Foreign Affairs of Britain, and with Mr. Mohammed Shokat the political secretary of the British Embassy in Qatar on 30/03/2005. A broad spectrum of issues with reference to human rights. The possibility of co-operation and co-ordination between the two Committees was raised. .
- A visit to Alwafa Ideal School, on 30/03/2005, to investigate allegations of violence against a child.
- A visit on 27 /04/2005, to Hamad Medical Corporation to meet with Vietri Candaan an Indonesian lady, who used to work in Saudi Arabia.
- A visit on 20/06/005, to Hamad Medical Corporation to meet with Arbaia Sularah Mahmoud, who sustained an accident and is still in a coma.
- The Committee had a meeting, on 20/06/005, with the representative of the High Commissioner For Human Rights, to make arrangements for the

establishment of a regional office for the High Commissioner for Human Rights in Doha. Many issues were discussed during the meeting i.e jurisdiction of the center; relation with the Beirut; methods of cooperation, cooperation and a strong association between the Committee and the Centre, in addition to commenting on the second Arabic conference on “The culture of Human Rights in the Arab region” which will be hosted by Doha in association with the High Commissioner for Human Rights and the United Nations Development Program.

- The Committee had a meeting, on 20/6/005, with Officials of The American Embassy. The Officials requested a meeting in order to inquire about Law No. 17 of 2002, for the protection of the community. It corresponds to the individuals arrested and sustained in jails. The Officials also inquired in to the following; the number of persons detained due to the withdrawal of the Nationality, political prisoners, employees on strike and other persons detained.
- A visit, on 4/10/2005, to Qatari shelters for refuge. The locations of the shelter of women, men and children, and the administration building was examined.
- A visit, on 16/10/2005, to Capital Police, to meet with the Director of the capital police and a number of senior officers. The situation of detained men and women and the place of detention were all investigated. A comprehensive report with the outcome of the visit was drafted.

The answers of the Committee, in relation to Enactment No. 17 for the year 2,002 For the protection of the community, was that, There are only three instances of detention, the situation of jails and inmates thereat Commensurate with international standards for treatment of prisoners, that there exist now

persons at deportation detention Because of withdrawal of nationality, That there are no opinion or political prisoners in the State, And that there is no phenomenon of strike of labour, but there are collective complaints raised by labour about non payment of their financial entitlements for more than two or three months.

They were also informed that detainees at State Security were taken into custody according to State Security Enactment No. 5, for the year 2003, and the anti terrorism Enactment No. 5 for the year 2004, And that they have all been released except three, and the Committee is following up their cases.

### **Meetings:**

- During the conferences of the Human Rights Committee in Geneva, three meetings with Mr. Kieren Fitzpatrick, director of the APF. An explanation about the nature and function of the APF and the method of registration explained in addition to the activities of the committee.
- Delegates of the Committee held a meeting on 18/4/ 2005, with the ambassador Mr. Mukhliss Gottb; representative of the National Center for Human Rights in Egypt. During the meeting opinions were exchanged, the functioning of the Committee were explained, steps towards registration, in addition to possible opportunities for mutual cooperation between the two parties. Another meeting was held to coordinate hosting of the State of Qatar for the Second conference of national organizations.

- Delegates of the Committee held a meeting, during the events of the Human Rights Committee, in Geneva, on 22/4/2005, With Mrs. PhD. Purificociom Voledr Chairman Of the Committee for Human Rights of Philippine, the functioning of both committees and mutual cooperation were discussed.
- A meeting was held with the President of the Federal Committee of Switzerland, during which mutual cooperation and exchange of visits were discussed.
- Delegates of the Committee held, during the events of the Human Rights Committee, in Geneva, with High commissioner for Human Rights Mrs. L. Arbour, during which a briefing of the Committee and its activities was provided. An invitation from the National Human Rights Committee of Qatar was presented to the High Commissioner for Human Rights, for the Second Conference on National Organisations, which will be hosted by Qatar. The invitation was kindly accepted in so far as the commitments of the Commission do not contradict with the timing of the conference.
- Delegates of the Committee held a meeting with Mr. M. Martin, of the International Coordinating Committee (ICC), which cooperates with national organizations in order to protect human rights. The Committee enquired as to the membership of the ICC and its requirements. The necessary documents were recorded and the Committee agreed to submit them in order to register with the ICC.
- A meeting, on 15/4/2005, with Mr. Christopher Lamb, of the International Red Cross and Red Crescent Organization. During the meeting mutual cooperation was discussed. The Committee delegation visited the Head Quarters of the organization and library, where the mission and functioning of the organization was introduced,

- Delegates of the Committee met, on 20/4/2005 with Mr. Orest Nowosad, Coordinator of National Institution Unit of the Office of the High Commissioner for Human Rights, during which the registration of the National Human Rights Committee of Qatar with the ICC was discussed.
- Delegates of the Committee met, on 22/4/2005, with Mr. Makram Wibson, Chairman of the 61<sup>st</sup> Annual session of the Committee of Human Rights. During the meeting, the future of the functioning of the various Committees and national organizations for Human Rights and its participation in the works and events of the present and next session were discussed.

**Lectures:**

1. The Committee organized a number of lectures on the various issues encompassing Human Rights at different locations, i.e.; Jissrah Cultural and Social club on 06/07/2005, Qatar Sports Club on 19/07/2005, the Arabic Sports Club on 25/07/2005 and Wakrah Sports Club.
2. The Committee organized a lecture on “The concept of Human Rights” at Qatar University, Males College, on 05/04/2005.
3. On 28 November 2005 a lecture was delivered in Abdul Rahman Bin Jasim independent School for Boys, on “Human Rights and the international Convention on Human Rights and child rights”, the concept of Human Rights and child rights under Islamic laws, International agreements and Qatari legislations.

## **Media activities of the Committee:**

### **National Human Rights Day 11/11.**

The Committee organized a media campaign to celebrate the national Human Rights day of 11 November. The campaign commenced on 15 October 2005 with TV advertisements and documentary programs broadcasted on Al-Jazeera and other news channels. The General Secretary of the Committee held a press conference on 10 November 2005, to announce and promote the celebration of National Human Rights day. The Committee advertised the National day for Human Rights at malls and commercial compounds by placing advertisements.

The Committee requested, in coordination with the Ministry of Endowments, to devote Friday mosques sermons to National Human Rights Day of 11/11/2005 and specifically towards “Human Rights under Islam” and many speeches took place on the said subject.

- The Chairman of the Committee released a statement which was published in all local newspapers, wherein he emphasized the attention the HH Emir of the State, gives to human rights and particularly the three main foundations capable of protecting and enhancing Human Rights, which are; democracy, peace and development. HH Emir of the State “Accession of the State of Qatar to many International Conventions founded by the United Nations in the field of protection of Human Rights came as a result of State conviction that those rights should be guaranteed and protected. The reports of the State of Qatar in the field of Human Rights reflects that the State has, by virtue of its Constitution, devoted its attention to human beings and their basic rights, the various political, economic, social and

cultural rights. The permanent Constitution of the State has safeguarded, guaranteed and protected those rights.

Qatar is now regarded and categorized, locally regionally and internationally as a State that supports human rights.

### **Advisory/Consultative Role:**

The Committee provides an advisory/consultative service to individuals who resort to it for help and issues, which are within and outside its scope. The Committee directs these individuals to the necessary association/organisation or alternatively explains the other options available i.e. court and court procedures.

The Committee on some occasion's drafts defences statements for the respondent/defendant in civil/criminal cases in view of their limited financial resources.

### **Correspondence to legislations:**

A sub-Committee has been formed to examine to what extent do national legislations comply with Sharia principles and international conventions of Human Rights. The sub-Committee has studied all legislations and submitted its recommendations along with its comments to the Council of Ministers.

### **Follow up of reports relating to Qatar:**

The Committee has observed many reports on Human Rights over the State of Qatar; among which were Amnesty International, Arab organization for Human Rights, Human Rights Watch, Ministry of Foreign Affairs report of the United States of America, and others similar reports. The Committee has responded to some of these reports in the necessary means, e.g. either by responding or following them up, etc.

### **Investigation into facts and documentation of information:**

Delegates from the Committee have, during the last year, followed up, documented and investigated information that has been provided by individuals, relating to various authorities, camps/residential areas of workers. The incidents related to unjustifiable detention, seizure of travel documents, deportation decisions, entitlements of workers, and living conditions of workers. The Committee in most of the cases, investigated the facts, documented relevant information, worked on resolving the disputes, payment of unpaid wages/benefits and improving their housing accommodation to preserve their human dignity.

### **Follow-up of trials and Investigations:**

The Committee observed to what extent fair, just and expedient arrest, investigation and trial proceedings are guaranteed and observed.

### **Books and publications:**

The Committee has within the framework of spreading the culture of Human Rights, prepared, published and distributed, a number of publications to inform and educate individuals of their rights.

The Committee has undertaken the task of reprinting, publishing and circulating the International Declaration on Human Rights, along with the International Convention on Civil and Political rights, International convention on social, cultural and economical rights; which all represent the basis for international Human Rights.

The following have been published and distributed:

- The Convention on the Elimination of all sorts of Discrimination against Women, the Convention and political rights of women, the convention against Torture and the Convention on the Rights of the Child has been published and distributed.
- The Committee has in association with, the Supreme Council for Family Affairs, issued a special edition print on the anniversary of the day of the elderly people, under the title “Together for the enhancement and protection of Human Rights.
- The Committee has issued a special booklet, in coordination with the Supreme Council for Family Affairs and Gulf Broadcasting Corporation in celebration of the National day for Human Rights.

- A special song in favour of Human Rights has been written and recorded, in association with Gulf Broadcasting Corporation and was broadcasted during the Anniversary of the National day for Human Rights.
- The Committee has also printed and distributed a number of editions of the book “Human Rights and Basic Freedoms for the enhancement to protection” with the aim of spreading the culture of human rights.
- The Committee notes that it will publish a periodical magazine titled “the Journal”, to contain details and researches relating to Human Rights, increasing the awareness between individuals of the community and spread of the culture of Human Rights.
- The Annual reports of the Committee on the situation of Human Rights have been circulated and are available on the website.

## **Chapter Four**

### **Recommendations and proposals made by the Committee**

#### **for the promotion of Human Rights**

##### **Recommendations relating to conventions on Human Rights:**

1. The Committee recommends that the State of Qatar ratify both the International Convention on Civil and Political Rights and the International Convention on Economic, Social and Cultural Rights.
2. The Committee recommends that the State of Qatar ratify the International Convention on abolishment of all Forms of Discrimination against Women, to which most of the Arab countries have become a party (Mauritania who joined in February 2005).
3. The Committee recommends that the State of Qatar considers ratifying the International Convention on Protection of Migrant Workers and members of their families.
4. The Committee recommends that the State of Qatar consider becoming a signatory to the Arab Charter on Human Rights, which was approved at the summit of Arab countries in Tunisia, in May 2004, but was ratified only by the Kingdom of Jordan.
5. The Committee recommends the necessity of viewing the general and unspecific reservations made by the State on the Conventions to which it is a party of.

6. The Committee recommends legislation to be examined in order to assess to what extent they correspond with International Conventions and treaties on Human Rights.

**Recommendations relating to Legislation:**

1. It is the Committee's opinion that the Freedoms and Rights provided for under the Constitution should not be restricted in a way that minimizes the exercise and enjoyment of individuals under the legislation.

2. Legislation restricting or excluding the judiciary from its consideration is to be removed.

3. The Committee recommends that certain provisions of the following laws are to be amended:

- Law No.17 (2002) relating to the Protection of the Community,
- Law No. 3 (2004) relating to Combating Terrorism,
- Law No. 5 (2003) for the establishment of State Security Department,
- Law No. 12 (2004) for the Establishment of Associations and Private Entities,
- Law No. 14 (2004), on Labour law,
- Law No. 18 of (2004) concerning rallies, peaceful assemblies,
- Law No. 21 of (1998) Relating to marriage from foreigners,
- Law No. 3 of (1963) Relating to Entry and Domicile of foreigners
- Law No. 3 of (1984) Relating to Exit and sponsorship of foreigners.

## **Recommendations for the protection of freedom and personal safety:**

1. The Committee reiterates its recommendations in the abolishment, or at least the amendment of Law No. 17 (2004) for the Protection of the Community for the reasons already stated.
2. The Committee reiterates its recommendations for the necessary amendment to Law No 5 (2003), for the Establishment of State Security Department, and Law No. 3 (2004) relating to Combating Terrorism in a way which is proportionate to a civil society and as such follows the Code of Criminal Procedure.
3. After the incident of, 19 March 2005, State Security arrested a great number of persons who were connected with the doer of the crime. The Committee recommends that investigations should be expediently carried and persons taken into custody being proven to be connected to the incident should be referred to justice, and persons who are proven not to be connected should be released. With appreciation to security considerations, the Committee is of the opinion that an increase of restrictions on personal freedoms result in violations to the principles of legality and supremacy of law, and are capable of jeopardizing the right to freedom and personal safety.
4. The Committee recommends the necessity of revising the cases of persons arrested at deportation detention, which necessitate either repatriation or release of persons arrested without justification.
5. The importance of expanding conditional releases and medical releases, to limit cautionary detention and modification of duration of the detention period to commensurate with the gravity of crimes committed.

The rights of accused persons who were precautionary detained and were proven innocent in a final judgment to claim damages.

**Recommendations relating to criminal institutions:**

1. Expansion in the application of conditional and medical releases.
2. Increase of social, sportive and productive activities available to prisoners.
3. Reconsideration of the system of deportation detention and conditions and duration of detention and treatment of inmates.
4. To increase the quality of food and provision of beds in the central jail.
5. To implement the system of supervising judgements given by judges especially judgements of custodial sentences. In order to guarantee the realization of the aims of punishment which are rectification and rehabilitation and also to maintain the dignified treatment of prisoners.
6. Increase the visits by the Public Prosecution and judges in order to insure no person is detained without legal justification and to assess the conditions and complaints of prisoners.

**Recommendations for combating torture and other cruel and inhuman treatment:**

Encourage the State to join the protocol attached to the International Convention against Torture.

### **Recommendations relating to denial of the right to travel:**

Orders of prohibition to be issued by public prosecution or judges notified to the person concerned. Such Orders shall be subject to the supervision of the judiciary, the decision or order along with its reasoning upon which it has been made. The court shall make its decision after considering the facts and it may set aside the decision, amend it or uphold it.

### **Recommendations relating to the right to litigation and fair trial:**

It is undoubted that the increase in the volume of litigation and the non sufficient number of judges has led to a delay in the litigation process and has effected the standards of judicial performance, and as such the Committee recommends the following;

1. Increase the number of public prosecutors and judges in order to meet the increase in cases and files.
2. Provide more guidance to judges and public prosecutors in order to issue decisions in the proper manner and in a timely fashion, in order to uphold the basic rights of justice.
3. Develop judicial and legal study centres to promote the literature and decisions of the judiciary.
4. Improve supporting staff, for the establishment of fair justice, whether experts, clerks etc. to qualify them and supervise their works.
5. Establish fresh system of expert administration within the Judiciary.

6. Study the possibility of establishing judicial enforcers (police) for the execution of court decisions, keeping order inside courts, fulfilling Public Prosecution requirements, and supervising precautionary detention conditions.
7. Increase alternative means for dispute resolutions by introducing a mediation system, arbitration in civil litigation, and by granting the Labour Department more authority to resolve labour cases, and the establishment of independent committees to resolve labour disputes.
8. Enhance the role of the media in spreading awareness of the rights of individuals, the means of protection and complaint mechanisms etc.
9. To find alternatives to procedures which lengthen the duration of the litigation.
10. Expediency in labour cases and exemption thereof of experts' fees.

**Recommendations relating to freedom of opinion and expression:**

1. Repeal of the punishment of imprisonment in publication cases.
2. Expansion in the protection of freedom of opinion and expression through protecting workers in field of media, especially journalists in order to abolish self sponsorship.
3. Support the Al-Jazeera channel against external pressure.
4. Support the right to obtain information freely, and freedom of scientific research, knowledge and access to internet.

### **Recommendations relating to the right to form associations:**

1. Amend Enactment No. 12 (2004) and abolish all restrictions imposed on the formation of private and professional associations.
2. Encourage the civil society to establish associations concerned with Human Rights, especially categories such as women, children, labours, housemaids, prisoners, persons with special needs etc.

### **Recommendations relating to the right of participation in the administration of public affairs:**

Respect the principle of equality and non discrimination, especially in drafting legislation for political rights, elections, and nationality, lay down foundations for the principle of equality between citizens according to the provisions of the Constitution.

### **Recommendations relating to social and economic rights:**

1. Implement the system of social insurance in cases of death, sickness, work injuries ,retirement, disability and unemployment
2. Follow up procedures for providing bursaries and insurance amounts which respect the dignity of targeted persons.
3. Increase salaries with the same rate of annual inflation.

4. Train eligible citizens at training centers in order to assist them in obtaining employment or the establishment of productive projects capable of eradicating poverty.
5. Constructing affordable housing for limited or average household earners to form part of an integrated society.
6. Encourage the establishment of productive projects and small scale service projects in order to combat unemployment.
7. Expand the supervision and continuous regulation of independent, governmental and private schools to guarantee the delivery of quality education.
8. To provide equipment and medical teams to hospitals and medical centres.
9. Implement the system of health insurance so as to cover all members of the community.
10. Inspect employment contracts so as to guarantee that salaries are sufficient to provide minimum living standards sufficient to a decent living for the worker and his/her family.
11. Strengthen the control in the health service so as to minimize the risk of mistakes occurring, during surgery, the overcrowding of emergency centers, to abolish discrimination and maltreatment of patients.
12. Develop special programs for outstanding persons so as to utilize their intellect and creative energies.
13. Improve the standard of government education by providing free of charge quality educational services capable of promoting the standards of the poor and granting them the opportunity to compete and increase their social standing.
14. Develop a system for assessing the education system and administration of educational institutions.

15. Protect the right to receive information and freedom of experimental research.

**Rights of Women:**

1. Conduct a comprehensive study of all legislations in order to amend and rectify the bias provisions which contain discrimination against women; especially civil service Enactment No. 1 (2001), the Enactment for marriage of foreigners No. 21 (1989), Enactment of Housing etc.
2. The necessity of laying down national plans for political participation of women, that includes, political education, the media in order to encourage women and enlighten the society to accept participation of women in political life and genuine involvement in the election process as candidate.
3. Formation of a Committee called “the Committee for violence against women” that undertake comprehensive scientific research, for violence against women, at the national level that would lay down policies and programs capable of combating violence against women and sufficient protection.
4. Formation of a Committee to undertake research on non-marriages and divorces. The introduction of which is vital and also to provide sufficient protection.
5. Ratify the Convention on abolishment of discrimination against women.
6. Abolish all sorts of discrimination against women, especially in the fields of work, salary and work privileges.
7. Recognize the rights of women to grant her nationality to her children.

8. Ensuring men (husbands) meet their financial obligations of custody, residence and alimony.
9. Incriminate violence against women and provide sufficient and necessary care and rehabilitation programs for its victims.
10. Extend the Labour Law No. 4 of 2004 to include workers, who are currently excluded. An Enactment to protect housemaids or separate legislation to protect them and their rights against all forms of infringements.

### **Rights of the Child:**

1. Amend Enactments so as to raise the minimum age for childhood to eighteen years.
2. Implement the 2005 relating to prohibition of recruitment, participation, training and employment in camel races, and laying programs for rehabilitation and integration of children victims of camel race.
3. Put in place policies and programs to provide care for disabled children and guarantee their rights to protect them against discrimination and their full and equal enjoyment of their rights as children.
4. Introduce Human Rights into school curriculums and train teachers to undertake this task.
5. Ensure international references correspond to Arabic and religious references, emphasize the universal nature of these rights, and explain that the content and origins of the rights are similar and that the only difference is in the construction and manner of application.

6. Create and use attractive methods to educate and communicate human rights issues at schools, debates, lectures to particularly to promote the involvement of students in the educational process.
7. Include Human Rights issues into university curriculums of the different faculties e.g. arts, science etc. and educate and train university professors on respecting Human Rights.
8. Organize sessions for supervisors, teachers and school principals to provide the necessary training to assess the performance of teachers.
9. Identify and acknowledge ways of teaching Human Rights in developed countries.
10. Integrate Human Rights into the school environment and events such as sports competitions, magazines, various activity associations and broadcasting.
11. Provide protection for children against violence and sexual harassment, particularly within families.

### **Rights of Disabled Individuals:**

1. Respect the rights of persons with disabilities and the need for them to be protected against discrimination.
2. Provide assistance to disabled individuals and the people that care for them.
3. Spread the rights of the disabled among the public at large for the enhancement of the protection of their rights.

## **Rights of Labourers:**

1. The importance of expedient processing of labour cases, as provided for under section 10 of the Labor Act No 14 (2004), since the Committee has observed the lengthiness of litigation durations.
2. The importance of exempting labour cases from experts fees, which amount to three hundred (300) QR, due to the limited financial resources of labourers. To implement the wider conception of judicial fees, section 10 of the Labor Act No 14 (2004) has provided for exemption of labours from payment thereof.
3. The Committee recommends that individuals and corporations, in violation of the Labour Law No. 4 (2004) Rights, not be granted visas for a definite period of time, or until their respect for the rights of their workers is established, or issue a decision that the violating company be closed.
4. Create and activate an effective and expedient protective mechanism for workers, with wide powers and authorities of a mandatory nature against violating companies, particularly violations relating to delay in paying labour entitlements, abuse of workers or the workers place of residence.
5. Reorganize the relationship between employees and employers in issues of transfer of sponsorship, exit permits and freedom of movement from one work to another, because these issues represent the most important fields of violations to rights and freedoms of labors to an extent amounting to some form of contemporary slavery and trafficking in people. Enactment No. 3 of 1963 relating to entry and residence of foreigners, Enactment No 3 of 1984 relating to residence and exit shall be amended in a way that corresponds to the principles of Human Rights and rules of justice and equity.

6. Solve the issue of unemployment before it becomes an unsolvable problem, through the following means:

1. Change the attitudes of the youth towards employment.
2. Rectify the educational systems to correspond to market requirements.
3. Establish funds against unemployment.
4. Activate the new Labour Law (No. 4 of 2004) relating to the percent of Qatari workers in establishments and private companies.
5. Expediently resolve labour disputes at deportation detention. Transfer the deportation detention into an accommodation centre in order to provide basic rights.
6. Enable workers to exercise their right of movement from one place of employment to another and as such transfer sponsorship. Security Authorities shall refrain from objecting without legal justifications, and hence the Committee has received many complaints about instances where transfer of sponsorship was denied without legal or factual basis and despite the approval of former sponsor or employer.

**Rights of the Elderly:**

Increase social aid to the needy elderly people covered by the social security system.

Increase the allowances granted to the elderly and facilitate procedure of payment.

Establish a refuge house for elderly people.

### **Rights of the Family:**

Establish special courts for family affairs, and regulate litigation procedures. Join all cases of one family in one case before one judge so as to minimize lengthy procedures. Put all the circumstances and situations into consideration. Implement insurance system that would guarantee execution of the judgments relating to alimony for the wife, children etc.

### **Civil Society:**

Spread the culture of civil society organizations. Encourage civil society to establish associations concerned with Human Rights, with special emphasize on prioritized categories.

### **The National plan for promotion of Human Rights:**

The Committee recommends and emphasizes the importance and necessity of laying down a national comprehensive plan for the promotion of Human Rights inside the State of Qatar, to be part of the general approach of the State, all ministries, authorities and civil society organizations to participate in the promotion of Human Rights.